

UNPUBLISHED

**UNITED STATES COURT OF APPEALS**  
**FOR THE FOURTH CIRCUIT**

ELINOR MOGES,

*Petitioner,*

v.

JOHN ASHCROFT, Attorney General;  
U.S. IMMIGRATION & NATURALIZATION  
SERVICE,

*Respondents.*

No. 02-1900

On Petition for Review of an Order  
of the Board of Immigration Appeals.  
(A70-673-021)

Submitted: April 18, 2003

Decided: May 2, 2003

Before NIEMEYER and MOTZ, Circuit Judges, and  
HAMILTON, Senior Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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**COUNSEL**

David Goren, LAW OFFICE OF DAVID GOREN, Silver Spring, Maryland, for Petitioner. Robert D. McCallum, Jr., Assistant Attorney General, Linda S. Wendtland, Assistant Director, Cindy S. Ferrier, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondents.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

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### OPINION

#### PER CURIAM:

Elinor Moges, a native and citizen of Ethiopia, petitions for review of a final order of the Board of Immigration Appeals (Board) denying her motion to reopen. A motion to reopen proceedings shall not be granted unless it appears to the Board that evidence sought to be offered is material and was not available and could not have been discovered or presented at the former hearing. 8 C.F.R. § 3.2(c)(1) (2002). An alien seeking to reopen proceedings based on changed country conditions must make the same showing. *See* 8 C.F.R. § 3.2(c)(3)(ii) (2002).

We have reviewed the administrative record and the Board's decision and conclude that the Board's denial of the motion to reopen was not an abuse of discretion. *See INS v. Abudu*, 485 U.S. 94, 104-05 (1988); *Stewart v. INS*, 181 F.3d 587, 595 (4th Cir. 1999); 8 C.F.R. § 3.2(c)(1), (c)(3)(ii). In addition, Moges challenges the negative credibility findings originally made by the Immigration Judge and affirmed by the Board in its April 15, 1998, order finding Moges ineligible for asylum and withholding of deportation. As Moges did not timely petition this court for review of that order, we are without jurisdiction to consider her arguments.

We accordingly deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

*PETITION DENIED*